

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BLACK EMERGENCY RESPONSE TEAM,
et al.,

Plaintiffs,

v.

JOHN O’CONNOR, in his official capacity as
Oklahoma Attorney General, et al.,

Defendants.

Case No.: 5:21-cv-01022-G

Hon. Charles B. Goodwin

**PLAINTIFFS’ NOTICE OF
SUPPLEMENTAL AUTHORITY**

Plaintiffs, by and through their attorneys, respectfully provide notice to the Court of supplemental authority. On August 18, 2022, the U.S. District Court for the Northern District of Florida issued an opinion in *Honeyfund.com v. DeSantis*, Case No. 4:22-cv-227-MW/MAF, which is attached as Exhibit 1 to this Notice. This opinion involves similar claims and issues as those raised by Plaintiffs and Defendants in this case such that the opinion, while not binding precedent, may be informative for the Court.

The *Honeyfund.com* case concerns Florida’s Individual Freedom Act (also known as the “Stop W.O.K.E.” Act or H.B. 7), Fla. Stat. § 760.10(8), which prohibits essentially the same eight concepts as H.B. 1775. In analyzing the

plaintiffs’ vagueness claim, the court recognized that the provision prohibiting employers from endorsing the view that “[m]embers of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin,” Fla. Stat. § 760.10(8)(a)(4); *see also* 70 O.S. § 24-157(1)(B)(1)(d), “border[s] on unintelligible” and “features a rarely seen triple negative, resulting in a cacophony of confusion.” *Honeyfund.com*, ECF No. 55 at 32–33 (citing *Ne. Pa. Freethought Soc’y v. Cnty. of Lackawanna Transit Sys.*, 938 F.3d 424, 437 n.2 (3d Cir. 2019)). The court held that this concept “certainly” is unconstitutionally vague, *id.* at 31, as “[it] is unclear what is prohibited, and even less clear what is permitted” under the provision. *Id.* at 33.

In part for this reason, the Northern District of Florida granted a preliminary injunction against enforcement of the Individual Freedom Act.

Respectfully submitted,

/s/ Megan Lambert

Megan Lambert

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of August, 2022, I electronically filed the foregoing Plaintiffs' Motion to For Leave to File Supplemental Papers with the Clerk of Court via the Court's CM/ECF system, which effects service upon all counsel of record.

Respectfully submitted,

/s/ Megan Lambert

Megan Lambert

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